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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,564	03/29/2001	Michael J. Siwinski	82311PCW	5878

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,564

Applicant(s)

SIWINSKI, MICHAEL J.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US 5,266,922, hereinafter “Smith”).

Regarding claims 1 and 2, Smith discloses a system for controlling information received in or transmitted from a moving vehicle comprising:

a sensor (detector 120 detects vehicle movement; col. 6, lines 17-28);

a processor (processing unit 105 receives motion data from detector 120, col. 6, lines 24-28); and

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an electronic component (keyboard/display unit 115 delivers messages to the vehicle user; col. 6, lines 51-52), wherein the information being delivered or received is partially reduced (the information being delivered is partially reduced when the vehicle is in motion in that the transmitted signal from center 25 includes a portion indicating the type of alarm signal to be activated so that only a visual or audible alarm is delivered to indicate the type of message received; col. 6, line 55 – col. 7, line 16) by the processor according to the motion data from the sensor (processor 105 supplies an inhibiting signal to keyboard/display unit 115 when vehicle motion is detected; col. 6, lines 24-41).

Regarding claim 7, the keyboard means of unit 115 is disabled when the vehicle is in motions so the driver is prevented from entering a signal through the keyboard portion (col. 6, lines 24-36).

Regarding claim 8, the messages are communicated as digital packets (col. 2, line 43 – col. 3, line 32).

Regarding claim 9, the communication unit is a mobile communication unit attached to any type of vehicle (col. 8, lines 23-29).

3. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (US 6,353,778).

Regarding claim 1, Brown discloses a system for controlling information received in or transmitted from a moving vehicle comprising:

a sensor (means for sensing when the auto velocity exceeds a default value, such as zero; col. 3, lines 43-51; col. 4, lines 24-41; col. 5, lines 48-49);

a processor (central processing unit 30; col. 4, lines 10-29); and

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an electronic component within the vehicle which delivers information (wireless cell phone 12 delivers telephone calls to the driver 11; col. 3, lines 11-13), wherein the information being delivered or received is partially reduced (the telephone call information is partially reduced when the vehicle exceeds a maximum velocity in that an ongoing telephone conversation will terminate after a predetermined time, e.g. 15 seconds; col. 4, line 59 – col. 5, line 16) after war according to the motion data received from the sensor (when the central processing unit 30 receives feedback from the sensor that the vehicle exceeds a predetermined velocity, a control signal is transmitted to disable the cellular phone after a delay period; col. 3, lines 42-51; col. 4, lines 24-35).

Regarding claims 4 and 6, the cellular phone provides audio output via its speaker and audio input via its microphone, both of which are disabled when the cellular phone is disabled.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Obradovich et al. (US 6,438,465, hereinafter "Obradovich").

Smith differs from claim 5 in that it does not specify the keyboard/display unit 115 as including a touch-sensitive input device. However, Obradovich teaches the desirability of incorporating a well known touch screen display interface (touch screen 104a in Figure 1) in

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order to provide a user-friendly means of user input/output (col. 5, lines 1-53) such that it would have been obvious to an artisan of ordinary skill to modify the keyboard/display unit 115 of Smith as a touch-screen display/touch-screen input device, as taught by Obradovich, in order to provide a more compact, user-friendly means of displaying information while allowing user input.

Response to Arguments

6. Applicant's arguments filed December 6, 2004 have been fully considered but they are not persuasive.

Applicant argues that neither Smith nor Brown teaches the limitation of "wherein the information being delivered or received is partially reduced." However, as described in the above rejection, in Smith, the information being delivered is partially reduced in that the transmitted signal from center 25 includes a portion indicating the type of alarm signal to be activated so that only a visual or audible alarm is delivered to indicate the type of message received (col. 6, line 55 – col. 7, line 16). In Brown, the telephone call information is partially reduced when the vehicle exceeds a maximum velocity in that an ongoing telephone conversation will terminate after a predetermined time, e.g. 15 seconds (col. 4, line 59 – col. 5, line 16).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Effective July 15, 2005, the new central fax phone number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stella L. Woo
Primary Examiner